IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 20TH MARCH 2007 / 29TH PHALGUNA 1928

OP.No. 2308 of 1998(Y)

PETITIONER:

KERALA STEEL WORKERS UNION (T.U.C.I.) REG. NO.03.9.95, CHERTHALA HAVING ITS REGISTERED OFFICE ROOM NO.6, K.A.M. LODGE CHERTHALA ALAPPUZHA DISTRICT, REPRESENTED BY ITS SECRETARY P.R. SURENDRAN, AGED 34 YEARS, S/O. RAMAN, PATHOORPADY, CHOWARA, ALUVA.

BY ADV. SRI.C.K.SAJEEV
SMT.T.B.MINI
SRI.A.PARVATHI MENON

RESPONDENTS:

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1. THE LABOUR COMMISSIONER, THIRUVANANTHAPURAM.

2. THE REGIONAL JOINT LABOUT COMMISSIONER, KOLLAM.

3. THE DISTRICT LABOUR OFFICER, ALAPPUZHA.

ADDL.R4. AUTOKAST LTD., S.L. PURAM, CHERTHALA REPRESENTED BY ITS MANAGING DIRECTOR .

* (ADDL. R4 IMPLEADED AS PER ORDER DATED 24.3.98 IN C.M.P.10003/98).

ADDL.R5. ALL KERALA SILK EMPLOYEES UNION (INTUC) REG. NO.229/81, M/S. AUTOKAST LTD., S.N. PURAM ,CHERTHALA.

ADDL.R6. SILK EMPLOYEES UNION (CITU) REG.NO.140/81, AUTOCAST LTD, CHERTHALA.

* (ADDLR5 & R6 IMPLEADED AS PER ORDER DATED 27.03.98 IN C.M. P. NO. 10546/98)

BY ADV. SRI.B.S.KRISHNAN (SR.)
GOVERNMENT PLEADER SRI. P.K. RAVIKRISHNAN
SRI.P.SANJAY
SRI.K.ANAND (A.201)

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 20/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

O.P.NO.2308/98.

ORDER ON C.M.P.4083/98 AND 2398/2001 IN O.P. 2308/98
DISMISSED

20.03.20007. SD/- S. SIRI JAGAN, JUDGE.

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1: TRUE COPY OF REPRESENTATION OF PETITONER TO THE 2ND RESPONDENT DATED 18.12.1997.

EXT.P2: TRUE COPY OF REPRESENTATIION OF PETITIONER TO THE 1ST RESPONDENT DATED 16.01.1998.

EXT.P3: TRUE COPY OF POSTAL RECEIPT.

EXT.P4: TRUE COPY OF MEMORANDUM SETTLEMENT DATED 15.01.98 OF REGIONAL JOINT LABOUR COMMISSIONER AND CONCILIATION OFFICER, KOLLAM.

/TRUE COPY/

PA TO JUDGE.

S. SIRI JAGAN, J.

O.P.NO. 2308 OF 1998

DATED THIS THE 20th DAY OF MARCH, 2007

JUDGMENT

This original petition is filed by a Union of workers representing employees of the additional 4th respondent. The grievance of the petitioner is regarding the fixation of minimum vote of 30% for the purpose of referendum for recognition of Unions. According to the petitioner, the respondent ought to have fixed 15% as the minimum votes required for a recognition of a trade Union in the additional 4th respondent Company. It is settled law that recognition of Union itself is an industrial dispute which should be more appropriately be agitated before the authorities under the Industrial Disputes Act.

In the above circumstances, I am not inclined to exercise my jurisdiction in favour of the petitioner in this original petition. Therefore, without prejudice to the right of the petitioner-Union to raise an industrial dispute in respect of the subject matter of the original petition, this original petition is dismissed.

S. SIRI JAGAN, JUDGE

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